

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

WEI-PING ZENG,

Plaintiff,

v.

Case No.: 3:17-cv-03008

**MARSHALL UNIVERSITY,
DR. JEROME A. GILBERT;
DR. JOSEPH SHAPIRO;
DR. W. ELAINE HARDMAN;
DR. DONALD A. PRIMERANO;
and DR. RICHARD EGLETON,**

Defendants.

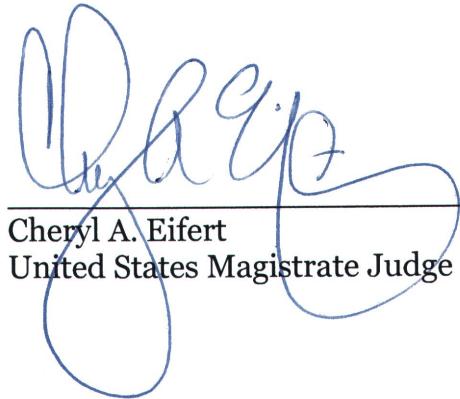
MEMORANDUM OPINION AND ORDER SEALING EXHIBIT

The Court notes that Exhibit 3, marked as Plaintiff's Exhibit Z101, attached to Plaintiff's Motion for Leave to File Surreply to Defendants' Reply to the Plaintiff's Response to Defendants' Motion to Strike Plaintiff's Affidavit, (ECF No. 393-3), contains confidential information. Due to the confidential nature of the information contained in Exhibit 3, and the requirement that such information not be published, this Court **ORDERS** the Clerk to seal Exhibit 3 attached to Plaintiff's motion. The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In

this case, Exhibit 3 attached to Plaintiff's motion shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the confidential nature of the information, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing Exhibit 3 to the Plaintiff's Motion for Leave to File Surreply does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Plaintiff and all counsel of record.

ENTERED: January 28, 2020



Cheryl A. Eifert
United States Magistrate Judge